

PART 27

EMERGENCY PURCHASES

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27.1 EMERGENCY PURCHASES

INFORMATION:

(a) BPA has developed and continues to upgrade its business continuity capabilities to prepare for and respond to disruptive events which could impact BPA's operations.

(b) This part prescribes policies and responsibilities of parties for BPA's purchasing activities in the case of a disruptive event that requires deviation from existing purchasing policies to enable timely acquisition of necessary goods and services.

(c) Provisions of this BPI part 27 are effective ONLY when activated during a major disruptive event by those authorized to do so as designated in the 27.3(b) of this part.

27.2 DEFINITIONS

"Emergency", as used in this subpart, means: an event of significant impact requiring the activation of the agency incident management team. It does not have the same meaning of one-time immediacy for field emergency purchases specified in BPI 2.3.2.

"Administrator", as used in the subpart, means the Administrator/CEO of the BPA, or successor according to the line of succession defined in BPAM 20.4, or the on-duty Incident Commander for the agency defined in BPA's Incident Management Plan.

"Incident Commander" means the on-duty Incident Commander as defined in the agency's Incident Management Plan when the agency Incident Management Team is active. The Incident Commander is responsible for directing BPA's response to a disruptive event.

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“Head of Contracting Activity” or “HCA”, as used in this subpart, refers to the individual currently assigned as Purchasing/Property Manager, or the designee in line of succession according to the Purchasing/Property Governance emergency plan.

27.3 POLICY

(a) When an emergency has been declared, the agency and designated staff shall employ emergency purchasing flexibilities outlined below, as appropriate to the situation.

(b) For this section to be in effect, the BPA Administrator or other individual in direct line of succession, or the Incident Commander, must declare in writing the activation of this emergency purchasing section. The line of succession is specified in BPAM Chapter 20.4.

27.4 RESPONSIBILITIES

27.4.1 Administrator

The Administrator, or individual in line of succession during a state of emergency, or the Incident Commander, may:

(a) retain all purchase policy and authority as appropriate;

(b) act as, or appoint, the Incident Commander or other individual who retains purchase policy and authority as the situation warrants; and

(c) grant contracting officer authority and issue warrants in the absence or incapacitation of the HCA or HCA designees.

27.4.2 Head of the Contracting Activity (HCA)

The Head of the Contracting Activity (HCA), or the individual in line of succession, shall:

(a) delegate emergency purchasing authority to named individuals at appropriate levels for the duration of the activation of this emergency purchasing policy.. The Delegation must be documented in writing as soon as practicable under the circumstances of the emergency declaration;

(b) rescind the delegations granted under (a) of this subpart when the emergency purchasing authority activation has been rescinded; and.

(c) provide advice and assistance to the Incident Commander regarding purchasing policies and practices that can be modified or waived to meet the agency’s emergency needs.

27.4.3 Supply Chain Services:

The Supply Chain Services organization shall follow its own business continuity plans to meet the purchasing needs of the agency. In addition, Supply Chain Services shall:

(a) request additional CO authority necessary to respond to the agency's needs during an emergency and/or disruptive event, from the Administrator, HCA, Incident Commander, or other individual delegated to act in that capacity.

(b) ensure COs use purchasing flexibilities identified below only to the extent necessary.

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27.4.4 Supervisors

Supervisors of individuals appointed as COs during the state of emergency shall:

(a) cooperate with the Administrator, Incident Commander, or HCA to ensure staff are able to carry out the temporary duties of Contract Specialist and execute emergency purchases.

(b) not overrule or interfere with any purchase decisions made by the appointed COs or those provided temporary purchasing authority. All issues shall be presented to the Administrator, Incident Commander, or HCA who has retained the authority over purchase policy and practice.

27.4.5 Finance Office

The Finance Office may activate the Emergency Cash Procedures.

27.5 RETAINED PURCHASING POLICIES

The following policies are retained during an emergency.

- (1) BPI Part 3 Standards of Conduct and Business Practices, unless suspended as part of the emergency declaration
- (2) BPI Part 10.3 Service Contracts. Purchases of services (including equipment rentals with operators) may not exceed \$2500 when purchased using a purchase card or PO None.
- (3) BPI Part 10.4 Construction Contracts. Purchases of construction services may not exceed \$2000 when purchased using a purchase card or PO None.

27.6 PURCHASING REQUIREMENTS

(a) Purchases made under these emergency purchase provisions must be conducted under the policy at BPI 3.1.2, Conduct of Purchasing and Assistance Activities, following the general rule to maintain the integrity of purchasing practices, strictly avoiding any conflict of interest or even the appearance of a conflict of interest in BPA-contractor relationships.

(b) In a declared emergency, contract type, contract pricing, and terms and conditions should reflect the type of response effort required.

(c) Meaningful competition shall be secured as appropriate, considering the particular emergency circumstances and dollar value of the purchase

27.7 USE OF PURCHASE CARDS IN A DECLARED EMERGENCY

Upon the activation of this BPI emergency purchases section, designated personnel shall contact BPA's purchase card vendor to activate the BPA emergency purchasing account and increase existing named card holders' spend limits.

27.8 SUMMARY OF PURCHASING FLEXIBILITIES

27.8.1 Authorities

(a) The Administrator or Incident Commander may grant contracting officer authority and issue warrants in the absence or incapacitation of the HCA.

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(b) The Administrator or Incident Commander may act as, or appoint an individual who retains purchase policy responsibility and authority as the situation warrants

(c) The HCA may delegate emergency purchasing authority to named individuals at appropriate levels for the duration of the activation of the emergency purchasing section of the emergency declaration.

27.8.2 Purchase Methods

(a) Persons with purchasing authority shall use simplified purchase methods as available, including:

1. place oral orders and document with a contract after the fact or PO NONE (BPI 2.3.3).
2. use a purchase card to complete transactions,
3. quick response contracts (BPI 7.2.9), however documentation of competition and written material request, purchase requisition, or contract requisitions may be provided after the fact
4. use abbreviated purchase terms and conditions, as appropriate to the emergency and the nature of the contract.
5. Advanced payments normally requiring HCA approval are authorized up to \$100,000 without HCA approval, if necessary to obtain goods and services to meet the emergency (BPI Part 22.1.4)
6. Intergovernmental contracts may be used. (BPI Part 25)

27.8.3 Documentation Requirements under Emergency Purchases

- (a) All documentation must be completed as soon as possible.
- (b) Delegations of emergency purchasing authority (BPI 27.8.(c)) must be documented in writing as soon as is practicable under the circumstances of the emergency declaration.
- (c) Purchases must be documented to the degree necessary to defend the purchase as necessary to meet the emergency needs of the agency. The length of explanation is less important than the cogency of the rationale for actions taken. This documentation may be reviewed by managers or auditors evaluating the agency's performance in the emergency.

Documentation of oral orders must include: (1) name of person placing order, (2) vendor name, (3) what is to be purchased, (4) quantity, (5) unit price, (6) estimated total cost (including delivery charges, variations in quantity, etc.), (7) delivery location(s) and conditions.

- (d) Documentation of purchases made under this section must reference the emergency declaration.
- (e) Purchases made with either regular or emergency purchase cards must complete the monthly tasks associated with processing monthly invoices and maintaining proper documentation.

27.8.4 Tests for reasonability of emergency purchases

- (a) Did the agency order an appropriate quantity of supplies given the nature of the emergency?
- (b) Was the scope of work appropriate for the emergency?

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- (c) Did the description of the requirement accurately reflect what BPA needed?
- (d) Did the agency possess the authority to make the purchase? If not, why was the purchase made?
- (e) Was the product or service one that was appropriately acquired by the agency given the circumstance?
- (f) Were prices fair and reasonable, given the circumstances?
- (g) Was competition adequate given the emergency?
- (h) Did the contractor deliver or furnish what the government ordered?
- (i) Was documentation of the purchase appropriate given the emergency?